

REMARKS

Status of claims

Applicants thank the Examiner for the consideration given to the present application. Claims 45 and 60 were amended. Support for the amendments to claim 60 is found in paragraph [0064] on page 5. No new matter has been added. Claims 42-60, 62-66, and 68-73 are pending in the present application.

Examiner Interview

Applicants would like to thank the Examiner for the telephonic interview held on December 7, 2007. In particular, it is believed that the interview discussion will advance prosecution of this matter. In the interview, the undersigned and the Examiner discussed features of proposed claim language, and particularly the definition of a tube as stated in the specification. (See page 5, lines 2-29). The various features of the Guichaoua et al. (US 6,308,836) and Masaaki (JP 2003053336) references were also discussed. Although no formal agreements were reached during the interview, it is believed that the claims presented herein are neither anticipated by nor rendered obvious over the references and combinations of references applied in the rejections of the previous Official Action, as discussed below.

Rejections Under 35 USC §102 and §103

Claims 42, 43, 48, 69 and 70 have been rejected under 35 U.S.C. 102(b) as being anticipated by Guichaoua et al. (US 6,308,836). Claims 42, 43 and 45 have been rejected under 35 U.S.C. 102(a) as being anticipated by Masaaki (JP 2003053336). Claims 47, 50, 54, 57, 59, 60, 62-66, 68 and 73 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Guichaoua et al. (US 6,308,836). Claims 44, 45, 51 and 71 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Guichaoua et al. (US 6,308,836) in view of Gundrum et al. (US 5,891,334). Claims 46, 49, 53, 55, 58 and 72 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Guichaoua et al. (US 6,308,836) in view of Reid et al. (US 5,591,332). Claim 56 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Guichaoua et al. (US 6,308,836) in view of Reid (US 6,274,038). Claims 44, 47, 50-52, 54, 56, 57, 59, 60, 63-66 and 73 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Masaaki (JP

2003053336). Claims 62, 69, 70 and 72 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Masaaki (JP 2003053336) in view of Guichaoua et al. (US 6,308,836). Claims 46, 49, 53, 55 and 58 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Masaaki (JP 2003053336) in view of Reid et al. (US 5,591,332). Claim 71 has been rejected under 35 U.S.C. 103(a) as being unpatentable Masaaki (JP 2003053336) in view of Gundrum et al. (US 5,891,334).

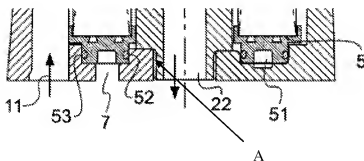
Applicants respectfully traverse these rejections. To anticipate a claim under §102, each and **every element of the claim must be found**, either expressly or inherently described, **in a single** prior art **reference**. (Emphasis added, *Verdegaal Bros.*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Also, in order to establish a prima facie case of obviousness under §103, the Examiner has the burden of showing, by reasoning or evidence, that: 1) there is some suggestion or motivation, either in the references themselves or in the knowledge available in the art, to modify that reference's teachings; 2) there is a reasonable expectation on the part of one of ordinary skill in the art that the modification or combination has a reasonable expectation of success; and 3) the prior art **references** (or references when combined) **teach or suggest all** the claim **limitations**. (Emphasis added, *MPEP* §2145).

Applicants respectfully submit that none of the references, singularly or in combination, teach or suggest all the limitations of independent claims 42, 50, 57, 60, 69 and 70. Specifically, claims 42, 50, 57, 69, and 70, all recite a water treatment cartridge comprising, *inter alia*, a first tube and a second tube. In defining 'tube', the present Application discloses, "the term 'tube' means a hollow elongated structure for conveying or holding fluids" (see page 5, lines 28-29). None of the references teach or suggest the use of a "tube," as defined in the present application and recited in claims 42, 50, 57, 69, and 70. To the contrary, for example, Guichaoua et al. merely teaches the use of a flange 5 with a groove 51 in it (see col. 4, lines 60-63), not a "tube" as in the present application. As such, Guichaoua et al. fails to teach or suggest the present claims.

Applicants further submit that, contrary to the Examiner's assertion, the Guichaoua et al. fails to teach or suggest a device capable of treating water, as in the present application. Claims 42, 50, 57, 60, 69, and 70 recite either a water treatment cartridge or device comprising, *inter alia*, sealing surfaces and a gap disposed between the inlet and outlet. In particular, claim 60

recites "said gap is disposed between said inlet and said outlet passageway and completely sealed to prevent untreated water from flowing into the outlet.

Applicants submit that the internal and external seals (52 and 53) and gap 7 of Guichaoua et al. would not prevent contaminated water from being mixed with treated water, as in the present invention. To the contrary, "untreated" or contaminated fluid from the inlet 11 that has failed to exit through the filtering material 4 could mix with the "treated" fluid exiting through orifice 22 via the passageway indicated by the arrow (A) below. In fact, the internal and external seals (52 and 53) merely prevent fluid from exiting into orifice 7 and provide no protection against the untreated fluid from mixing with the treated fluid exiting through orifice 22.



As such, Applicants respectfully submit that these broad teachings fall far short of teaching or suggesting the present claims. Accordingly, Applicants respectfully request the rejections under 35 U.S.C. §§ 102 and 103 based on Guichaoua et al. as the reference and/or a primary reference be withdrawn.

Applicants further note that the present application has an effective U.S. filing date of May 23, 2003. Accordingly, Masaaki, a primary reference used in the above-noted rejections, is, at best, prior art with respect to the present application under 35 U.S.C. § 102(a).

Accordingly, the Examiner's attention is directed to the Declaration Under 37 C.F.R. 1.131 of the inventors John D. Tanner and David J. Emmons, submitted herewith. As such, the Declaration and attached Exhibit establish that Applicants conceived the claimed water treatment devices and cartridges of the present application prior to the earliest possible priority date of Masaaki, February 25, 2003. In addition, the Declaration and attached Exhibit also establish that the Applicants were diligent in reducing to practice from a time prior to February 25, 2003 to filing of U.S. Application No. 60/473,271 on May 23, 2003, which the present application

Serial No. 10/665,948
Response date January 9, 2008
Reply to Office Action of July 9, 2007

claims the benefit of. Accordingly, Masaaki is not a proper prior art reference to the presently claimed invention. Therefore, Applicants respectfully request the rejections under 35 U.S.C. §§ 102 and 103 based on Masaaki as the reference and/or a primary reference be withdrawn.

CONCLUSION

Applicants respectfully submit that the present application is in condition for allowance. The Examiner is encouraged to contact the undersigned to resolve efficiently any formal matters or to discuss any aspects of the application or of this response. Otherwise, early notification of allowable subject matter is respectfully solicited.

Respectfully submitted,

DINSMORE & SHOHL

By: /J. Todd Dipre/
J. Todd Dipre
Registration No. 58,925

255 East Fifth Street, Suite 1900
Cincinnati, Ohio 45202
Telephone: (513) 977-8200
Facsimile: (513) 977-8141